



Union Carbide Corporation
A Subsidiary of The Dow Chemical Company

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May 13, 2016

Via E-mail and FedEx Overnight

Ms. Bonnie Hriczko
Removal Action Branch
U.S. Environmental Protection Agency,
Region II
2890 Woodbridge Avenue, Bldg 205 (MS-
211)
Edison, NJ 08837
Hriczko.Bonnie@epa.gov

Ms. Margo Ludmer, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency,
Region II
290 Broadway, 17th Floor
New York, NY 10007
Ludmer.Margo@epa.gov

**Re: Union Carbide Corporation's Response to Request for Information Pursuant to
Section 104(e) of CERCLA for the Niagara Falls Boulevard Site, 9524 & 9540
Niagara Falls Boulevard, Niagara Falls, NY and Holy Trinity Cemetery Site 5401
Robert Avenue, Lewiston, NY**

Dear Ms. Hriczko and Ms. Ludmer:

Union Carbide Corporation ("Respondent") hereby submits this Response to the Request for Information ("Request") received March 14, 2016 from the United States Environmental Protection Agency ("EPA") concerning the Niagara Falls Boulevard Site (9524 & 9540 Niagara Falls Boulevard, Niagara Falls, NY) and Holy Trinity Cemetery Site (5401 Robert Avenue, Lewiston, NY) (collectively the "Sites"). Respondent appreciates EPA's grant of an extension of time through and including May 13, 2016 to respond to the Request with the provision that Respondent provide an initial response by April 13, 2016.

Respondent has undertaken a thorough investigation designed to identify available existing documents and/or other information in its possession, custody or control. This process included searching for, locating, and reviewing boxes of documents from Union Carbide Corporation's records center. The boxes were then scanned and loaded into a searchable database, and reviewed for production. The process to search for, locate, and scan boxes of documents was time consuming and the database only became available early this week. To date, about 50% of

the scanned documents have been reviewed. Such available information forms the basis for this response. Respondent reserves the right to supplement, modify and/or amend this Response if new or additional information is discovered during the on-going review process which Respondent is diligently conducting.

Separate from this letter, you will receive on Monday, May 16, 2016 CDs from CaseData (Canon) with 469 documents (3,808 pages) categorized into folders according to which question they are related. The documents are also Bates stamped for ease of future reference.

Respondent has endeavored to answer the questions in the Request to the extent reasonably possible. The enclosed information is being provided in an effort to cooperate with EPA, without admitting or acknowledging that EPA has the authority to require production of the information requested, or that the statutory authority asserted in the Request is applicable. Additionally, nothing in this Response should be construed as an admission of any liability or responsibility on the part of Respondent regarding any costs incurred by EPA or any other party relating to the Site. Respondent reserves all defenses and rights available to it under the law.

Respondent has a policy and well-documented history of cooperation with federal, state, and local environmental authorities. It intends to cooperate, likewise, with respect to the Request. Certain aspects of the Request, however, compel Respondent to raise objections. In so doing, Respondent does not intend to diminish the seriousness of purpose with which it has investigated matters implicated by the Request or with which it has assembled this Response.

General Objections

Respondent asserts the following General Objections to the Request, which General Objections are hereby incorporated in each and every response of Respondent to individual questions below. To the extent Respondent responds to questions to which it objects, such objections are not waived by the furnishing or providing of information.

1. Respondent objects to the Request to the extent the Request exceeds the scope of EPA's authority under the statutory references cited in the Request.
2. Respondent objects to the Request as overly broad and unduly burdensome to the extent that it seeks information that has no relation to the Site or relevance to this inquiry and to the extent that it seeks information regarding activities at a level of detail that is impossible to provide without extreme burden and oppression, if at all. The burden on Respondent is enhanced given that the Request seeks information dating back decades. With the passage of time, complete records may no longer exist, relevant witnesses with firsthand knowledge are now deceased, memories have faded, and any attempt to recreate history often presents an insurmountable challenge and an undue burden.
3. Respondent objects to the Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the joint defense privilege, and any other legally cognizable privilege. Respondent further objects to the Request to the extent it dictates the manner in which those privileges are to be asserted.

4. Respondent objects to the Request to the extent that it seeks information in the possession, custody, or control of EPA, or any other local, state, or federal governmental authority. Respondent further objects to the Request to the extent that it seeks information that is a matter of public record.

5. Respondent objects to the Request to the extent that it seeks information outside of Respondent's possession, custody or control.

Response to Request for Information

1. State the correct legal name and mailing address of your Company.

Union Carbide Corporation
7501 State Highway 185 North
Seadrift, TX 77983

2. If your Company wishes to designate an individual for any future correspondence concerning the Sites, including any legal notices, please so indicate here by providing the individual's name, address, telephone number, and email address.

Megan C. McCulloch
The Dow Chemical Company
2030 Dow Center
Midland, MI 48674
(989) 636-8790
MCMcCulloch@dow.com

3. State the name and address of the President, the Chief Executive Officer, and the Chairman of the Board of your Company.

Richard A. Wells, President, CEO, and Chairman of the Board
Union Carbide Corporation c/o The Dow Chemical Company
1790 Building, Washington St.
Midland, MI 48674

4. Identify the state and date of incorporation of your Company and your Company's agent for service of process in New York and in your state of incorporation.

Union Carbide Corporation was incorporated in New York on 11/01/1917.

Union Carbide Corporation's agent for service of process is: CT Corporation System,
111 Eighth Avenue, New York, NY 10011.

5. If Union Carbide Corporation currently is, or was at any time, a subsidiary or affiliate of another corporation or other business entity, or has or had subsidiaries that operated within the Niagara Falls region of New York, or is a successor to another company, identify these related companies. For each related company,

describe the relationship to Union Carbide and indicate the date and manner in which each relationship was established.

Union Carbide Corporation is a wholly owned subsidiary of The Dow Chemical Company. It became a wholly owned subsidiary on February 6, 2001.

Union Carbide Corporation's former Linde Division operated within the Niagara Falls region of New York (Niagara Falls, Buffalo, Tonawanda). In 1917, Union Carbide and Carbon Company acquired 100% of the stock of the Linde Air Products Company, which was later merged into Union Carbide and Carbon Corporation in 1950. It continued to operate as a division of Union Carbide and Carbon Company. In 1957, Union Carbide and Carbon Company changed its name to Union Carbide Corporation. In January 1989, Union Carbide Corporation transferred its industrial gas business, including the portion conducted under the Linde trade name to Union Carbide Industrial Gases, Inc, which was a wholly-owned subsidiary. In July 1989, Union Carbide Corporation changed its name to Union Carbide Chemicals and Plastics, Inc., and then became a wholly-owned subsidiary of the present-day Union Carbide Corporation. On June 5, 1992, Union Carbide Industrial Gases, Inc. changed its name to Praxair, Inc. Shortly thereafter, on June 30, 1992, Union Carbide Corporation spun-off Praxair by distributing its shares of stock to the shareholders of Union Carbide Corporation. Effective July 1, 1992 Praxair became a separate, independent public company. Praxair has no corporate relationship with Union Carbide Corporation and has not since the 1992 spin-off.

Union Carbide Corporation's former Metals Division operated within the Niagara Falls region of New York. The Electro Metallurgical Company was formed in 1906 as a subsidiary of Old Union Carbide Company (formed in 1898, "Old Union Carbide Company"). In 1917, Union Carbide and Carbon Corporation was formed as a holding company for Old Union Carbide Company (including Electro Metallurgical Company as its subsidiary), National Carbon Company, Inc., Prest-O-Lite Company, Inc., and The Linde Products Company. Electro Metallurgical Company produced ferroalloys. Electro Metallurgical Company operated a plant and research laboratories in Niagara Falls. Electro Metallurgical Company, a wholly owned subsidiary of Union Carbide, was liquidated and dissolved in 1949, with Union Carbide acquiring all of its property, assets, franchises, debts and liabilities. Union Carbide's Electromet Division, later, Metals Division operated the metals facility in Niagara Falls. In 1984, Union Carbide formed Umetco Minerals Corporation as a wholly owned subsidiary. Also in 1984, Union Carbide transferred its mining and metals businesses, including substantially all of the assets and liabilities of its Metals Division and the capital stock of its mining and metals subsidiaries to Umetco Minerals Corporation. In 1986, Union Carbide Corporation and its subsidiary, Umetco Minerals Corporation, sold the assets of Umetco Minerals Corporation's U.S. vanadium business to U.S. Vanadium and Strategic Minerals Corporation (known as "Stratcor"). These assets included Umetco Mineral Corporation's vanadium and tungsten products processing facility in Niagara Falls, NY. Union Carbide has no corporate affiliation or relationship with Stratcor.

Union Carbide Corporation had a joint venture, called Niacet Chemicals Corporation, which built a plant in Niagara Falls. It was formed in 1925 by Carbide and Carbon

Chemicals Company (formed in 1920, wholly owned subsidiary of Union Carbide) (33%), the Canadian Electro Products Company, Ltd (a subsidiary of Shawinigan Water and Power Corporation) (33%) and Reessler & Hasslacher Chemical Company (33%). In 1946, Union Carbide acquired 100% of the Niacet Chemicals Corporation. In 1949, Carbide and Carbon Chemicals was merged into Union Carbide. In 1978, the Niagara Falls plant and all business associated with the plant was sold. This new business became Niacet Corporation. Union Carbide Corporation has no corporate affiliation with Niacet Corporation and has not since it was sold in 1978.

- 6. If Union Carbide Corporation, or its subsidiaries or divisions in the Niagara Falls region of New York, has/have been taken over or acquired by another corporation, or is/are a wholly owned subsidiary of another company, please describe the nature of the takeover, how it occurred, and who is responsible for Union Carbide Corporation's prior and current environmental and financial matters.**

In addition to the General Objections set forth above, Union Carbide specifically objects to this question on the grounds that it seeks a legal opinion or the disclosure of attorney work product and exceeds the scope of EPA's statutory authority. Subject to and without waiver of the foregoing objections, please see the response to Question 5, which is hereby incorporated by reference.

Also, please see the document in the folder for question 6 on the CDs.

- 7. Indicate whether Union Carbide ever owned and/or operated either of the Sites or any portions thereof, either solely or as a partnership. If so, identify the dates of your Company's ownership and/or operation, including but not limited to purchase and sale agreements, deeds, leases, etc. Provide a detailed description of the operations, processes, or business activities your Company conducted at the Sites.**

Union Carbide Corporation has been unable to locate any information in its possession, custody or control that is responsive to this Request.

- 8. Indicate whether Union Carbide entered into any oral or written agreements or understandings concerning the Sites or any parcels adjacent to the Sites, including any arrangements with the current or prior property owners or operators to transfer materials to the Sites or the adjacent parcels. If so, describe the nature of these agreements or understandings, and provide any relevant documents.**

Union Carbide Corporation has been unable to locate any information in its possession, custody or control that is responsive to this Request.

- 9. Provide any information and/or documents relating to the ownership and operation by you or any other entity, past and present, of the Facility. Identify the dates your Company's ownership and/or operation of the Facility and provide copies of all documents evidencing such ownership and/or operation, including but not limited to purchase and sale agreements, deeds, leases, etc.**

Please see documents in the folder for question 9 on the CDs.

- 10. Identify any persons or entities that concurrently with Union Carbide exercised actual control or held significant authority to control activities at the Facility, including be not limited to partners or joint ventures; contractors, subcontractors, or licensors with a presence or activity at the Facility (e.g., service contractors, remediation contractors, management and operator contractors, licensors providing technical support to licensed activities); and, any person that subleased land, equipment, or space at the Facility.**

Union Carbide Corporation has been unable to locate any information in its possession, custody or control that is responsive to this Request.

- 11. Describe in detail the nature of the operations at the Facility, including but not limited to the types of work performed there and the industrial, chemical, or institutional processes undertaken by you at the Facility.**

Please see documents in the folder for question 11 on the CDs. Please also see the response to question 12, which is incorporated here by reference.

Please note that because a significant portion of the Facility was operated by the Linde Division, Praxair rather than Union Carbide would be more likely to have responsive documents related to Linde Division activities at the Facility.

- 12. Provide any information and/or documents related to the industrial processes at the Facility involving radioactive materials and radioactive waste generated.**

Union Carbide Corporation was engaged by the U.S. government to convert uranium tetrafluoride (green salt) into uranium metal during the Manhattan Project.

Post-Manhattan Project, Union Carbide Corporation's Metals Division conducted research on ferroalloys at the Facility. This included extracting columbium from ores containing thorium and uranium in addition to columbium.

Please see documents in the folder for question 12 on the CDs.

- 13. Indicate whether Union Carbide processed niobium (also known as columbium) or niobium ore at the Facility or any other Union Carbide facility in Erie and Niagara County. If so, provide a thorough explanation of such operations, including when they occurred, where the processes took place, the specific procedures followed, a description of the chemicals or materials used and/or generated in the process (including radioactive byproducts), and a description of how the industrial waste was handled and/or disposed of.**

Union Carbide Corporation processed columbium ore at the Facility. Please see response to question 12, which is incorporated here by reference. Please also see response to question 21, which is incorporated here by reference.

Please see documents in the folder for question 13 on the CDs.

- 14. Provide any information and/or documents related to the nature, chemical composition or physical state of radioactive materials and radioactive wastes produced at the Facility or any other Union Carbide facility in Erie and Niagara County.**

Please see documents in the folder for question 14 on the CDs.

- 15. Please provide any information and/or documents related to all releases or suspected releases that have occurred on or from the Facility involving radioactive materials and radioactive waste.**

Please see documents in the folder for question 15 on the CDs.

- 16. Please provide contact information, including names, telephone numbers, email addresses and physical mailing addresses for all former employees of either you, other companies, or government agencies that have knowledge of operations at the Facility associated with radioactive materials including the disposal of these radioactive materials at or near the Facility. If no current contact information is available, provide the last known contact information.**

Union Carbide Corporation has been unable to locate any information in its possession, custody or control that is responsive to this Request. Most of the employees from that era are deceased.

- 17. Describe each position, formal and/or informal, that the individuals who operated the Facility held with the company. Your description should include, but not be limited to, each person's name who held those positions, the duties and responsibilities of each position, the actual tasks that they performed, both routinely and occasionally, and the dates that they held these positions.**

Union Carbide Corporation has been unable to locate any information in its possession, custody or control that is responsive to this Request.

- 18. For each of the positions identified in question 16, list any responsibilities with respect to management, control, and day-to-day operations, including waste handling practices and all other operations at the Site.**

In addition to the General Objections, Union Carbide objects to this question because it seeks information about operations at the Site. The Site was not owned or operated by Union Carbide or its subsidiaries and does not have information on how it was operated.

- 19. Describe the circumstances that precipitated the termination of operations at the Facility and indicate whether the operations were relocated. State the last known processes involving radioactive materials performed by you at the Facility.**

Union Carbide Corporation's metals research laboratory activities and columbium ore processing ceased decades ago.

- 20. Please provide any knowledge, information and/or documents related to the transport of radioactive materials or radioactive wastes between the Facility and the Sites, as well as from other facilities operated by you and the Sites. Please include any reports, maps, and aerial photography that identify the exact routes used to transport these materials from source to destination.**

Union Carbide Corporation has been unable to locate any information in its possession, custody or control that is responsive to this Request.

- 21. Please provide any knowledge, information and/or documents related to the disposal of radioactive materials or radioactive wastes from the Facility. Please include any reports, information or data related to soil, and geology at and about the disposal locations. Provide copies of all documents containing such data and information, including both past and current aerial photographs of the disposal locations, as well as documents containing analysis or interpretation of such data from the disposal sites.**

Please see documents in the folder for question 21 on the CDs.

- 22. Please provide contact information, including name, telephone number, email address, and physical mailing address for all persons and former employees of either you or other companies or government agencies who transported or disposed of radioactive materials or radioactive waste to and from the Facility. If no current information is available, provide the last known contact information.**

Union Carbide Corporation has been unable to locate any information in its possession, custody or control that is responsive to this Request.

- 23. Provide any knowledge, information, and/or documents related to the disposal of any radioactive materials or radioactive wastes from your former facility at East Park Drive in Tonawanda, New York. Identify all persons and former employees of either you or other companies or government agencies who transported or disposed of radioactive materials and radioactive waste from this Tonawanda facility.**

Please documents in the folder for question 23 on the CDs. Please note that since the Tonawanda location was a Linde Division location, Praxair rather than Union Carbide would be more likely to have responsive documents.

- 24. Provide all information of which you are aware regarding the disposal of radioactive materials at the Sites, including but not limited to when the disposal of such material took place, the source of the material, and the entity(ies) that disposed of the material. Provide knowledge, information, and/or documents relating to contracts, agreements, or permits between any persons involved in any activities associated with the ultimate placement of radioactive materials and/or radioactive waste at the Site.**

Union Carbide Corporation has been unable to locate any information in its possession, custody or control that is responsive to this Request.

- 25. Indicate whether Union Carbide has ever conducted any assessments, investigations, or cleanup of hazardous substances or wastes at the Sites. If yes, identify all environmental contractors and consultants and describe the remediation/action they conducted or planned to conduct at the Sites and the date(s) that the action(s) took place. Provide copies of all letters, reports, and conclusions issued by the contractors and consultants regarding the Sites, including the names of the wastes that were disposed of and the location of disposal.**

Union Carbide Corporation has been unable to locate any information in its possession, custody or control that is responsive to this Request.

- 26. Provide any knowledge, information, and/or documents related to all licenses and permits issued by the federal or state government with respect to your Facility and any other Union Carbide facility in Erie and Niagara County for the possession, use, storage, and/or disposal of radioactive materials and radioactive waste. Your response must include copies of the identified licenses and permits.**

Please see documents in the folder for question 26 on the CDs. Please note that since the Tonawanda and Buffalo locations as well as a portion of the Niagara location were Linde Division locations, Praxair rather than Union Carbide would be more likely to have responsive documents related to those locations.

- 27. Please provide any additional information or documents that you may have regarding the identity of parties that may have been a source of, or were otherwise responsible for, the hazardous substances or industrial wastes that came to be located at the Sites. Please identify the source(s) of your information.**

Union Carbide Corporation has been unable to locate any information in its possession, custody or control that is responsive to this Request.

- 28. Identify all individuals who may have information or documents relating to the generation, handling, storage, transportation, or disposal of the hazardous substances or industrial wastes that came to be located at the Sites.**

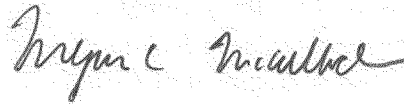
Union Carbide Corporation has been unable to locate any information in its possession, custody or control that is responsive to this Request.

- 29. Identify all individuals with knowledge of facts relating to the responses provided to this Request for Information. Identify each individual who assisted or was consulted or who answered on behalf of Union Carbide in the preparation of its response to this Request for Information, and specify the question with which each person assisted in responding.**

In addition to the General Objections set forth above, Union Carbide Corporation specifically objects to this Question as overly broad and unduly burdensome. The subject matter of the Information Request concerns matters relating to multiple former divisions of Union Carbide Corporation with which the Respondent has not had any relationship in decades. As a consequence, Union Carbide Corporation's efforts to respond to the

Information Request required consulting multiple persons, including counsel, legal assistants, and employees Records and Remediation. The breadth of this inquiry makes it neither reasonable nor possible for Union Carbide Corporation to identify all persons consulted in preparing this Response. Subject to and without waiver of the foregoing objections, this response was prepared by Megan C. McCulloch, Senior Counsel - EH&S, 2030 Dow Center, Midland, MI 48674; telephone: 989-636-8790.

Respectfully submitted,



Megan C. McCulloch, Esq.
Authorized Representative for
Union Carbide Corporation

NIAGARA FALLS BLVD AND HOLY TRINITY CEMETERY SITES
CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of Michigan :

County of Midland :

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

Megan C Mculloch
NAME (print or type)

Authorized representative
TITLE (print or type)

Megan C Mculloch
SIGNATURE

Sworn to before me this
day of May 13, 2016

Cindy Siebert
Notary Public

CINDY SIEBERT
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF MIDLAND
My Commission Expires 10/03/2020
Acting in the County of Midland



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